

## SENATE BILL No. 340

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-11-10-1; IC 3-14-2-16.

**Synopsis:** Delivery of absentee ballots. Removes restrictions concerning who may deliver to the county election board an absentee ballot for a voter who votes by absentee ballot.

**Effective:** July 1, 2004.

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**Hume, Adams K**

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January 12, 2004, read first time and referred to Committee on Elections and Civic Affairs.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 340

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 3-11-10-1, AS AMENDED BY P.L.126-2002,  
2       SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2004]: Sec. 1. (a) A voter voting by absentee ballot shall make  
4       and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter  
5       then shall, except as provided in subsection (b), do the following:

6               (1) Mark the ballot in the presence of no other person.

7               (2) Fold each ballot separately.

8               (3) Fold each ballot so as to conceal the marking.

9               (4) Enclose each ballot, with the seal and signature of the circuit  
10              court clerk on the outside, together with any unused ballot, in the  
11              envelope provided.

12              (5) Securely seal the envelope.

13              (6) ~~Do one (1) of the following:~~ **Either:**

14                      (A) mail **or deliver** the envelope; **or**

15                      **(B) have the envelope delivered or mailed;**

16              to the county election board, with not more than one (1) ballot per  
17              envelope.

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~~(B) Deliver the envelope to the county election board in person.~~

~~(C) Deliver the envelope to a member of the voter's household or a person designated as the attorney in fact for the voter under IC 30-5.~~

(b) A voter permitted to transmit the voter's absentee ballots by fax under IC 3-11-4-6 is not required to comply with subsection (a). The individual designated by the circuit court clerk to receive absentee ballots transmitted by fax shall do the following upon receipt of an absentee ballot transmitted by fax:

(1) Note the receipt of the absentee ballot in the records of the circuit court clerk as other absentee ballots received by the circuit court clerk are noted.

(2) Fold each ballot received from the voter separately so as to conceal the marking.

(3) Enclose each ballot in a blank absentee ballot envelope.

(4) Securely seal the envelope.

(5) Mark on the envelope: "Absentee Ballot Received by Fax".

(6) Securely attach to the envelope the faxed affidavit received with the voter's absentee ballots.

(c) Except as otherwise provided in this title, absentee ballots received by fax shall be handled and processed as other absentee ballots received by the circuit court clerk are handled and processed.

SECTION 2. IC 3-14-2-16, AS AMENDED BY P.L.38-1999, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 16. A person who knowingly does any of the following commits a Class D felony:

(1) Applies for or receives a ballot in a precinct other than that precinct in which the person is entitled to vote.

(2) Except when receiving assistance under IC 3-11-9, shows a ballot after it is marked to another person in such a way as to reveal the contents of it or the name of a candidate for whom the person has voted.

(3) Except when offering assistance requested by a voter in accordance with IC 3-11-9, examines a ballot that a voter has prepared for voting or solicits the voter to show the ballot.

~~(4) Receives from a voter a ballot prepared by the voter for voting; except:~~

~~(A) the inspector;~~

~~(B) a member of the precinct election board temporarily acting for the inspector;~~

~~(C) a member of a county election board or an absentee voter~~

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- 1 board acting under IC 3-11-10; or  
 2 ~~(D)~~ a member of the voter's household or an individual  
 3 designated as attorney in fact for the voter; when delivering an  
 4 envelope containing an absentee ballot under IC 3-11-10-1.  
 5 ~~(5)~~ **(4)** Receives a ballot from a person other than one of the poll  
 6 clerks or authorized assistant poll clerks. **However, this**  
 7 **subdivision does not apply to a person receiving a sealed**  
 8 **absentee ballot that the person will deliver for a voter under**  
 9 **IC 3-11-10-1(a)(6).**  
 10 ~~(6)~~ **(5)** Delivers a ballot to a voter to be voted, unless the person  
 11 is:  
 12 (A) a poll clerk or authorized assistant poll clerk; or  
 13 (B) a member of a county election board or an absentee voter  
 14 board acting under IC 3-11-10.  
 15 ~~(7)~~ **(6)** Delivers a ballot (other than an absentee ballot) to an  
 16 inspector that is not the ballot the voter receives from the poll  
 17 clerk or assistant poll clerk.  
 18 ~~(8)~~ **(7)** Delivers an absentee ballot to a team of absentee ballot  
 19 counters appointed under IC 3-11.5-4-22, a county election board,  
 20 a circuit court clerk, or an absentee voting board under IC 3-11-10  
 21 that is not:  
 22 **(A)** the ballot cast by the absentee voter; **or**  
 23 **(B)** a sealed absentee ballot being delivered for a voter  
 24 **under IC 3-11-10-1(a)(6).**

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